

REMARKS/ARGUMENTS

Prior to entry of this amendment, claims 1-19 were present for examination. Claims 9 and 15 have been amended herein. No claims have been cancelled and no new claims have been added. Therefore, claims 1-19 remain present for examination. Applicant respectfully requests reconsideration of the pending claims, as amended, for at least the reasons presented below.

35 U.S.C. §102 Rejection, Val et al.

The Office Action has rejected claims 1, 5, 9, 13, 15 and 18 under 35 U.S.C. §102(e) as being anticipated by the cited portions of U.S. Patent Publication No. 2005/0198364 A1 to Val et al. (hereinafter "Val"). Applicant respectfully submits the following arguments pointing out significant differences between claims 1, 5, 9, 13, 15 and 18 submitted by the Applicant and Val.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631; 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicants respectfully argue that Val fails to disclose each and every claimed element. For example, Val fails to disclose, either expressly or inherently, receiving a first portion of a streamed content object and receiving a second portion of the streamed content object, wherein the second portion is not contiguous in the streamed content object to the first portion.

Val "relates to improved methods and apparatus for permitting a client computer in a client-server architecture computer network to exchange media commands and media data with the server using the HTTP (hypertext transfer protocol) protocol." (para. 3) Under Val, a client computer is provided with an autodetect mechanism that permits the client computer to

select the most advantageous protocol for communication between the client computer and its server and simultaneously employs multiple threads, through multiple connections, to initiate communication with the server computer. (para. 30 and 31) Communication between the client and the server take place via these connections including a control connection and a data connection. (para. 52) "Control requests sent by client application via control connection may include, for example, stop, play, fast forward, rewind, pause, unpause, and the like. These control requests may be utilized by server to control the delivery of the data stream from server to client application via data connection." (para 52)

However, Val does not disclose, either expressly or inherently, receiving a first portion of a streamed content object and receiving a second portion of the streamed content object, wherein the second portion is not contiguous in the streamed content object to the first portion. Rather, the control requests of Val, e.g., play, fast forward, etc., suggest that a first portion and second portion of the stream provided in accordance with Val should be contiguous to affect playback.

Claim 1, upon which claim 5 depends, claim 9, upon which claim 13 depends, and claim 15, upon which claim 18 depends, each recite in part receiving a first portion of a streamed content object and receiving a second portion of the streamed content object, wherein the second portion is not contiguous in the streamed content object to the first portion. Val does not disclose, either expressly or inherently, receiving a first portion of a streamed content object and receiving a second portion of the streamed content object, wherein the second portion is not contiguous in the streamed content object to the first portion. Rather, the control requests of Val, e.g., play, fast forward, etc., suggest that a first portion and second portion of the stream provided in accordance with Val should be contiguous to affect playback. For at least these reasons, Applicants respectfully request that the rejection be withdrawn and claims 1, 5, 9, 13, 15 and 18 be allowed.

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Amdt. dated: March 14, 2006
Reply to Office Action of December 15, 2005

PATENT

35 U.S.C. §103 Rejection, Val et al. in view of Lango et al.

The Office Action has rejected claims 2-4, 6-8, 10-12, 14, 16, 17 and 19 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of Val in view of the cited portions of U.S. Patent No. 6,742,082 B1 to Lango et al. (hereinafter "Lango"). This rejection is respectfully traversed for at least the reason that claims 2-4, 6-8, 10-12, 14, 16-17 and 19 depend upon an allowable base claims as discussed above with reference to claims 1, 9, and 15. For at least these reasons, Applicants respectfully request that the rejection be withdrawn and claims 2-4, 6-8, 10-12, 14, 16-17 and 19 be allowed.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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